

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRISTOPHER HAIDLE,

Plaintiff,

vs.

Civ. No. 99-913 BB/WWD

TOSCO MARKETING COMPANY d/b/a
CIRCLE K and SOUTHWEST CONVENIENCE
STORES d/b/a 7-ELEVEN,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant Tosco Marketing Company's Motion for Order Compelling Disclosure [docket no. 25] filed December 14, 1999. The motion seeks an order compelling Plaintiff to make a more definitive disclosure concerning damages pursuant to Fed. R. Civ. P. 26(a)(1)(C). In his initial disclosures, Plaintiff has set out those items of damages which presently are ascertainable. When a category of damages is not presently ascertainable, Plaintiff has so indicated. Given the nature of the injuries here involved, Plaintiff's uncertainty at this stage as to certain categories of damages is understandable. Obviously, Plaintiff is bound by a continuing duty to disclose and supplement the damage calculations submitted in compliance with Fed. R. Civ. P. 26(a)(1)(C); however, I do not find that the uncertainty in numerous categories, most of which are specifically mentioned by Plaintiff, shows any attempt by Plaintiff to evade the requirements of the applicable rule.

WHEREFORE,

IT IS ORDERED that the Motion for Order Compelling Disclosure be, and it hereby is,
DENIED.


UNITED STATES MAGISTRATE JUDGE